

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE MATTHEW B. MAJOR,
Plaintiff.

Case No. 24-cv-06773 BLF
ORDER OF DISMISSAL

On September 26, 2024, Plaintiff, a state prisoner, filed a document which was construed as an attempt to file a civil rights complaint pursuant to 42 U.S.C. § 1983. Dkt. No. 1. On the same, the Clerk of the Court sent Plaintiff a notice to file a proper civil rights complaint on the court form, along with the form and a postage-paid return envelope, with instructions to respond within 28 days to avoid dismissal. Dkt. No. 2. The Clerk also sent Plaintiff a separate notice to file an *in forma pauperis* application to address the failure to pay the filing fee. Dkt. No. 3.

On October 15, 2024, mail sent to Plaintiff at the San Mateo Jail, from where he mailed the complaint, Dkt. No. 1-1, was returned as undeliverable with the indication that he was no longer in custody. Dkt. No. 4 at 1.

Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* must promptly file a notice of change of address while an action is pending. *See* L.R. 3-11(a). The Court may, without prejudice, dismiss a petition when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b).

More than sixty days have passed since mail addressed to Plaintiff was first returned as undeliverable on October 15, 2024, because he was not custody. Dkt. No. 4. The Court has not received a notice from Plaintiff of a new address or any further communication from him. Accordingly, this action is **DISMISSED** without prejudice pursuant to Local Rule 3-11 of the Northern District Local Rules.

The Clerk shall terminate any pending motions and close the file.

IT IS SO ORDERED.

Dated: January 8, 2025


BETH LABSON FREEMAN
United States District Judge